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Acting Information Technology

February 6, 2006

Secretary
Federal Communications Commission
Washington, DC 20554

RE: Improving Public Safety Communications in the 800 MHz Band
WT Docket 02-55

Dear Madame Secretary:

In October of 2005, the Central Maryland Area Radio Communications ("CMARC") Rebanding Committee, of which Anne Arundel County is member, sent a letter to the 800 MHz Transition Administrator ("TA") in support of a September request by the radio managers of the National Capital Region ("NCR") to delay the rebanding reconfiguration process until 90 days following the delivery, testing, and availability in sufficient quantities of certain firmware and related software required to reconfigure Motorola radio systems safely.

On December 1, 2005, Sprint Nextel Corporation asked the Federal Communications Commission (the "FCC") for a restarting anew of the entire schedule set forth in the Regional Prioritization Plan of the TA (the "RPP") upon the ground, among others, that the front-end loading of the RPP was too burdensome to be satisfied.

On December 21, 2005, RCC Consultants, Inc. ("RCC") sent a letter to the FCC that called for a refocusing of the 800 MHz Rebanding upon the stated purpose of reconfiguration ("improving public safety communications in the 800 MHz band") and for an effort to address certain critical issues that had not been addressed or not been addressed effectively by the TA. The RCC letter supported the Sprint Nextel request for a restart, but upon the grounds that time was required to address those critical issues and to redirect the 800 MHz Rebanding to its original purpose.

On January 12, 2006, the Association of Public-Safety Communications Officials-International ("APCO") and five cooperating associations of public safety officers filed a letter of comment with the FCC which shared a great deal with the letter of RCC and expressed "grave concern" regarding the status of the 800 MHz Rebanding.

The experience of Anne Arundel County and other members of CMARC and the substance of the documents described above all contribute to concerns with respect to the

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800 MHz Rebanding that have led the CMARC Committee to conclude that significant problems exist with the current process and that, in the interest of public safety, a delay in the schedule of the RPP is required.

Despite encouragement from TA representatives at several CMARC and NCR meetings this past fall, the TA made an about face in November 2005 and denied the September request for delay, asserting that only the FCC could act and that the action could only be based on the individual waiver requests of licensees disadvantaged by the current rebanding schedule and process. More recently the TA appears to have made a further about face and encouraged certain licensees to follow a blanket waiver (or deferral) approach with the support of the TA.

The waiver approach suggested by the TA is not optimal because making scheduling exceptions for certain licensees creates interference issues with nearby licensees proceeding with reconfiguration upon a different schedule. Correcting the interference issues between licensees with waivers and their neighbors does not solve the problem of interference, but, rather, moves it to the neighbors of the neighbors (licensees more distant from the licensees with the waivers).

A solution to this issue is a delay of the kind requested by Nextel that would enable all licensees to proceed upon the new schedule and thereby avoid the interference issues arising from scheduling exceptions. Such a delay would serve the public interest for other reasons as well as the RCC letter exhaustively documents. Anne Arundel County supports the granting of some form of blanket relief to allow time for the development of solutions to the problems remaining unresolved by the TA, to fill the procedural gaps left by the TA in the RPP, and to allow licensees affected by the present unavailability of the Motorola firmware and software to take advantage of that tool on the same schedule as other licensees in Wave 1 of the RPP.

The 800 MHz requires critical assistance. Time is required therefor. The 800 MHz Rebanding is at risk of breaking down. A period to effect repairs is needed. Denial of the problems and wrangling over procedural issues (waiver vs. general deferral) will not solve any problem.. It is the help which is critical and must be provided.

Please accept this letter as a request from Anne Arundel County for a deferral of the schedule of the RPP. Anne Arundel County cannot practically proceed with reconfiguration unless the specific problems described below are solved. Those problems are raised in the RCC letter and directly affect Anne Arundel County.

1. Due to the current frequency assignments of the County, the County is not required to retune its network infrastructure. The RPP does not afford the County an opportunity to plan for and recover the costs of applying the new Motorola firmware and software code to the infrastructure of the County's 800 MHz public safety radio system.

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Without the application of that code, the County will lose the ability to add NPSPAC channels to the County's system once those channels are moved pursuant to the 800 MHz Rebanding. Today the County has the ability to add NPSPAC channels to its infrastructure. That ability will be lost once the NPSPAC channels are moved if the new code is not applied to the County's system. Accordingly, the County will be left with a radio system which is not comparable to that which it has, and the RPP provides no opportunity for the County to secure the funding for the application of the required code. Even if the code were available to the County pursuant to the RPP, the RPP does not provide adequate time for the testing by Wave 1 licensees of the new Motorola firmware and software.

2. The County depends heavily on the use of Vehicular Repeater Systems ("VRS") to augment radio coverage and, in particular, reliable in-building coverage in the event of fires, hostage-takings, etc.. The coverage provided by VRS units is essential to the support of public safety officers in the County. The continued use of VRS is threatened by the 800 MHz Rebanding because the reconfiguration will eliminate the required minimum channel separations required for VRS operation. The TA has long been on notice of this issue and has not provided any solution or even acknowledged the existence of this critical problem. A solution is required. If the problems related to VRS are not resolved, the County will no longer be able to provide the same level of in-building coverage. Any type of expansion of our trunked radio systems would be very costly, time-

consuming, and burdensome. Action by the TA is required, and time is required for such action.

Other licensees that are members of CMARC or surrounding regions may also file requests for the restarting of the RPP.

Thank you for considering this important matter.

Very truly yours,

William C. DeHoff, Jr.
Chief Telecommunications Services

Attachment

cc: Brett Haan, Transition Administrator
Michael Wilhelm, Esquire, Designated Federal Officer, National
Coordination
Committee, FCC
Catherine Seidel, Acting Bureau Chief, Wireless Telecommunications
Bureau, FCC